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Date of Deposit: March 21, 2002

PATENT APPLICATION

Attorney Docket No. 15966-539 CIP (Cura-39 CIP)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Rothberg et al.
OFFICE OF SERIAL NO.: 09/614,505
EXAMINER: Janell T. Cleveland
FILING DATE: July 11, 2000
ART UNIT: 1655
FOR: METHOD FOR IDENTIFYING A BIOMOLECULE
Box AF
Commissioner for Patents
Washington, D.C. 20231

TRANSMITTAL LETTER

Transmitted herewith for filing in the present application are the following documents:

1. Response to September 21, 2001 final Office Action (8 pages);
2. Petition for a Three month Extension of Time (1 page);
3. check for \$460.00 pursuant to 37 C.F.R. §1.17(a)(3);
4. Notice of Appeal (1 page);
5. check for \$160.00 pursuant to 37 C.F.R. §1.17(b); and
6. Return Postcard

It is believed that no additional fees are due. However, if any fees are to be adjusted, the Commissioner is hereby authorized to charge any balance due, or credit any overpayment, to the undersigned's account, Deposit Account No. 50-0311, Reference No. 15966-539 CIP (Cura-39 CIP). A duplicate copy of this transmittal letter is enclosed.

Respectfully submitted,

for: *Chah Z. Bell* Reg. No. 48,128
Ivor R. Elrifi, Reg. No. 39,529
Attorney/Agent for Applicants

Date: March 21, 2002

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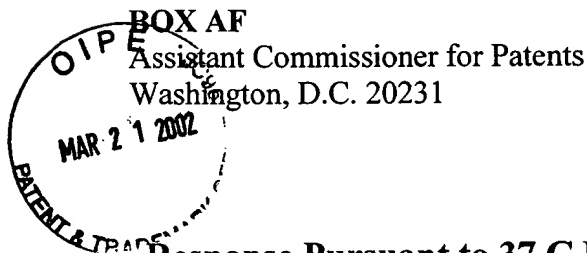
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Response Pursuant to 37 C.F.R. § 1.113 and Notice of Appeal Pursuant to 37 C.F.R. § 1.191

Further to the final Office Action, dated September 21, 2001, for the above-identified application, please consider the following remarks.

REMARKS

Claims 27-57 are pending in the application. The claims are rejected as obvious in view of various prior art references. Applicants respectfully request, as an initial matter, that the Office Action be made non-final.

Applicants respectfully submit that the Examiner has not fully considered or rebutted the arguments raised in their reply dated July 16, 2001. As such, Applicants believe the present final Action is premature. (*See* MPEP § 706.07(c)).

According to MPEP § 706.07, before a final rejection is in order a clear issue should be developed between the Examiner and Applicants. Applicants are entitled to full consideration/rebuttal of arguments raised in their reply to this end. The desirability of such consideration and rebuttal by the Examiner is the foundation for which Applicants may readily assess the advisability of an appeal. An office action that does not provide a rebuttal or analysis of Applicants' arguments is considered a hasty and ill-considered final rejection. (MPEP § 706.07).

The above tenets are further incorporated into § 707.07 of the MPEP. Specifically,